

MEMORANDUM

Agenda Item No. 11(A) (28)

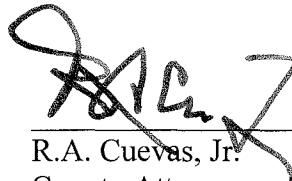
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 2, 2007

FROM: R.A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing County
Manager to develop and
implement a due diligence
program with regard to
award of county contracts

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Audrey M. Edmonson.



R.A. Cuevas, Jr.
County Attorney

RAC/bw

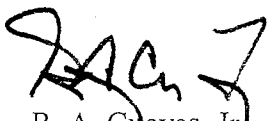


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 2, 2007

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(28)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 11(A) (28)

Veto _____

10-2-07

Override _____

RESOLUTION NO. _____

**RESOLUTION DIRECTING THE COUNTY MANAGER TO
DEVELOP AND IMPLEMENT A DUE DILIGENCE
PROGRAM TO ENSURE THAT BEFORE MIAMI-DADE
COUNTY AWARDS A CONTRACT OR ENTERS INTO A
BUSINESS TRANSACTION IT HAS PERFORMED THE
NECESSARY AND APPROPRIATE INQUIRIES TO ALLOW
THE COUNTY TO MAKE AN INFORMED DECISION**

WHEREAS, this Board desires that the County Manager develop and implement a due diligence program to ensure that a proper and sufficient inquiry is conducted before Miami-Dade County awards a contract or enters into a business transaction in order to be able to make an informed decision,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board hereby directs the County Manager to develop a due diligence program to ensure that before Miami-Dade County awards a contract or enters into a business transaction it has performed the necessary inquiries and investigations to allow the County to make an informed decision. Depending on the specific contract or transaction at issue, the due diligence inquiry may include but is not limited to one or more of the following methods: a criminal background check of the contracting entity or person; an investigation as to whether or not the contracting entity or person is current in any of its obligations to the County; an investigation to determine whether there are any pending lawsuits filed on behalf of or against the contracting entity or person; an investigation into the history of any of prior lawsuits filed on behalf or against the

contracting entity or person; an investigation to determine if the contracting entity or person has previously filed for any bankruptcies and the result of those filings; an investigation to evaluate the previous performance by the contracting entity or person with regards to any previous contracts with the County; review of information if any available from the Better Business Bureau on that contracting entity or person; and a search using internet databases and other available research tools that would render information about delinquencies, lawsuits, fines or any other information available to the public that may be of interest to the County prior to awarding a contract or entering into a specific transaction. The due diligence analysis should contain appropriate dollar thresholds, dates for implementation throughout all County departments, and a brief description of any and all costs associated with its implementation.

Section 2. The County Manager is directed to make a presentation to this Board describing the developed program ready for implementation within sixty days.

The foregoing resolution was sponsored by Commissioner Audrey M. Edmonson and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman

Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz

Carlos A. Gimenez

Joe A. Martinez

Dorin D. Rolle

Katy Sorenson

Sen. Javier D. Souto

Audrey M. Edmonson

Sally A. Heyman

Dennis C. Moss

Natacha Seijas

Rebeca Sosa

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The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of October, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

D.F.

Daniel Frastai

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